

Joint Committee

2 MAR 1961

Security

MEMORANDUM FOR THE RECORD

SUBJECT: House Rules Committee Hearings on Joint Intelligence Committee Proposals

1. The House Rules Committee held hearings at 10:30 a.m., 1 March 1961, on proposals to establish a Joint Committee for Intelligence in the Congress. Almost all of the members of the Rules Committee were present. Membership list attached. All members of the CIA Subcommittee of House Armed Services were present with the exception of Mr. Price. Mr. Arends was also present. In addition to the congressional witnesses, Representatives Sikes and Zablocki were present. The Chairman opened by noting that they had heard certain witnesses already but had delayed the hearings to enable Mrs. Edna F. Kelly (D., N.Y.), one of the sponsors of the Joint Committee, to appear.

2. Mrs. Kelly took the stand and said that she was convinced of the need for a Joint Committee because of certain personal experiences she had had, because of the Hoover Commission's recommendations, and because of her general concern for the responsibilities of the Congress. She said that in writing the original Mutual Security Act and working with Brian McMahon they found that intelligence they needed was sadly lacking. She noted that there had been four reviews of intelligence activities, stating that there had been two Hoover Commission reviews, one by General DeLoittle, and one authorized by the Congress. She noted that the President had established his own Board on intelligence, which she claimed was made up entirely of civilians, and she argued that if the President needed some entity to oversee intelligence the Congress had the same need. She said she was at the Geneva Conference in 1956 and at the intelligence briefing given in

preparation of the Conference it was not known that it was the Russian intention to knife the Conference although the other foreign representatives told them about it. She claimed that there was a long series of intelligence failures, including the Suez incident, Hungary, downgrading of Stalin, Sputnik, Cuba, South America, and the U-2. She said there was no problem of having good security in a Joint Committee and cited the example of the Joint Atomic Energy Committee.

3. Mrs. Kelly said her concern was not just with CIA but with the entire intelligence structure and its operations. She noted that she was on the Foreign Affairs Committee, which had appearances by Mr. Dulles. She said that she personally had received some intelligence information which she had passed on to the proper authorities two years ago and that recently she had received a note from the intelligence authorities stating that this was of far more importance than they had originally realized and they wished to get in touch with her about it at once. She said this indicated a total failure and lack of appreciation by the intelligence activities. (This is a gross distortion of a minor incident arising out of a crackpot making allegations to Mrs. Kelly about the Agency. Legislative Counsel has a complete record in this matter.) Therefore, Mrs. Kelly said what she wanted was a joint congressional group having responsibility to oversee total intelligence activities. Chairman Howard W. Smith (D., Va.) noted that the Armed Services Committee is already supervising intelligence. Mrs. Kelly said she had heard they were doing something but she did not know what they were doing. Chairman Smith said one of the things that bothered him most was the way talk on confidential matters spread in the Congress. Judge Smith in addition stated that this was a most delicate subject and that secrecy was necessary in this particular situation and, therefore, he was raising the question of whether or not the job is already being done. Mrs. Kelly indicated that she had talked with members of the Armed Services Committee who advised her they knew nothing about the work being done by the Subcommittee. Judge Smith added that it is doubtful how far any committee of Congress can go into this matter.

4. Mr. Ray J. Madden (D., Ind.) asked if CIA got into the propaganda field. Mrs. Kelly said she thought there was some counter-intelligence involvement in the information coming from USIS. Mrs. Kelly said in connection with the Bolivian riots at the time of Vice President Nixon's visit that anyone talking to the airline pilots down there could have foretold what was happening but apparently CIA people did not. She said there were people known as CIA people in Bolivia and once they become known they are useless and they do not have any

unknown group as they should have. Mr. Madden said something was radically wrong and pointed out that a special committee of the 83rd Congress (Kirsten Committee) held hearings in this country and in Europe and had talked to all the leaders of governments which had since been taken over by the Communists, and the committee had reported the results of how the Communists had taken over Lithuania, Latvia, Czechoslovakia, and the other countries. He said this information should be published by the Department of State in South America so that they would be informed down there as to what the Communists' aims and techniques are but that the Department of State does nothing. Mrs. Kelly alleged other intelligence failures, asking if the U. S. Ambassador should have been on vacation when the Hungarian revolution broke out.

5. Mr. Clarence J. Brown (R., Ohio) said he felt intelligence must be weak and referred to Yalta, Potsdam and the Chinese Communists as agrarian reformers. He pointed out the CIA was created by a bill reported out of the Government Operations Committee of the House, which has jurisdiction over its operations. He said it was set up to overcome the weaknesses in foreign intelligence and was responsible for coordinating all intelligence which was to go to the National Security Council, except that he remembered in one case a stupid Ambassador had prevented the information from being forwarded (I assume he was referring to the Bogota incident (LRH)). He felt there was plenty of evidence that the intelligence structure had not functioned properly but that this was not the fault of Congress, as he asked Mrs. Kelly if it were not the responsibility of the National Security Council to review the effectiveness of intelligence. Mrs. Kelly said the President's Board does such a review and they are all civilians and that Congress should do the same. Mr. Brown said he was sure that the National Security Council members are all patriotic men of high standing and asked if they would not know and take action if things were wrong in the intelligence community. Mr. Brown raised the further question of why the Speaker should not have established jurisdiction of CIA in Government Operations rather than in the Armed Services Committee.

6. Mr. James J. Delaney (D., N. Y.) asked Mrs. Kelly if the incident she had previously mentioned in which she had reported information two years ago and which had just been found important by the intelligence agencies was an isolated incident. Mrs. Kelly replied that it was one of many.

7. Mrs. Katherine St. George (R., N. Y.) asked if the jurisdiction of the Joint Committee would include the FBI, and Mrs. Kelly replied that it would. Mrs. Kelly was asked if the Joint Committee's information received from the intelligence agencies would be available to the whole House, and she said that it would be.

8. Mr. Paul J. Kilday (D., Tex.) was then called on, and he stated he was appearing in opposition to a Joint Committee. In the first place, he said he wished to make clear the difference between intelligence services and information services. He pointed out that as these phrases are used, intelligence services collect and evaluate foreign information and information services give out information on behalf of this Government to foreign nations. He pointed out the latter function was outside of the intelligence field and was the responsibility of USAID, which as an agency was responsible to the Foreign Affairs Committee of the House. He gave the legislative history of CIA, pointing out that while the basic act establishing it had been reported out by the old Committee on Expenditures in the Executive Branch, now the House Government Operations Committee, since that first act all legislation, including the CIA Act of 1949, and legislative oversight had been in the Armed Services Committee, and, therefore, the House Parliamentarian has ruled that it had historic legislative jurisdiction and legislative oversight. He recalled how in 1956 the Chairman of the Armed Services Committee had established a subcommittee, composed of the senior committee members, for CIA to give it closer attention, but in view of the heavy workload on these members it had been reorganized in the 86th Congress with himself as Chairman and some more junior congressmen to give more time to it. He stated that the Joint Atomic Energy Committee was not a good example to cite as the problems were very different. Atomic Energy involved many grave problems of domestic policy and huge expenditures in American economy. Therefore, the Joint Committee had to be fully informed, but you could not operate intelligence services on a basis of fully informing Congress in all aspects. He read the portion of the Act which exempted CIA from reporting facts and figures to the Congress, saying that Congress had recognized this problem in passing the Act. ✓ Mr. Kilday asserted his belief in maintaining the bicameral system in the Congress and said there was no reason to abandon it in the intelligence field in favor of a Joint Committee. He pointed out the practical problems of House members meeting jointly with the Senators and that the legislative process loses in the Joint Committee system the review by each House of legislative proposals

before going to conference on differences. Mr. Kilday cited the 46 appearances CIA made before the various congressional committees in the legislative year 1959-1960 and that his own Subcommittee had had numerous hearings, all, of course, in executive session. He added that Mr. Arends and Mr. Vinson were ex officio members of the Subcommittee and that Mr. Arends had shown a great interest, attending practically all of the Subcommittee meetings. Mr. Kilday stated that, as all members know, an important aspect of the legislative oversight extended beyond committee meetings, and he indicated he was in constant liaison with Mr. Dulles and the legislative representatives of the Agency were constantly in touch with his staff. He said that CIA has been responsive within the bounds of proper security, and he personally believed in receiving only that information he had a need to know to do his job. Mr. Kilday described the intelligence community which was established by National Security Council directive, listing the membership. He pointed out that of the ten members of USIB seven come from components under the legislative jurisdiction of the Armed Services Committee. With further reference to statutory exemptions for the Agency, Mr. Kilday indicated that it was absolutely necessary for activities of this type and he included the word "spying." It was made clear that CIA reports to four Subcommittees of the Congress, to Appropriations and Armed Services of both Senate and House.

9. Mr. William M. Colmer (D., Miss.) asked if CIA responded fully to inquiries of the Subcommittee, and Mr. Kilday said it did. Mr. Kilday indicated that he had no occasion to think otherwise and that they had been briefed fully on the fundamental operations of the Agency. As to security precautions at hearings, he indicated the careful precautions including technical sweeps of hearing rooms for bugs, etc. Mr. Kilday also mentioned the fate of the Mansfield resolution in 1956 where, on the final vote, ten of the co-sponsors failed to vote for the resolution. Mr. Colmer asked if there had been any leaks from the Subcommittee, and Mr. Kilday said he believed there had been none and had been assured by Mr. Dulles that there were none. Mr. Colmer said he was very much bothered by the tendency of congressmen to exploit confidential information rather than protect it.

10. Mr. Madden asked if Mr. Kilday were satisfied that there was the needed interchange of information between the intelligence agencies so one would not have a piece of information important to others. Mr. Kilday pointed out that the estimates

were a coordinated effort and that USIB met at least once a week to make sure that there was appropriate coordination. Mr. Madden pressed his question about individual pieces of information, and Mr. Kilday could only repeat that he felt USIB would take care of this although he said that people being human might from time to time hold out information for their own purposes.

11. Mr. Brown said that the Clark Task Force dealt almost exclusively with CIA apart from the other intelligence agencies and he understood that in the classified portion they had some unkind things to say about CIA. Mr. Kilday said he had not seen the classified report. Mr. Brown asked if CIA had been efficient and effective. Mr. Kilday said he would be the last to say they were perfect, but he felt that we had started as complete neophytes in the field of intelligence, that it was an area rather foreign to Americans and rather distasteful to them, and he felt there had been constant improvement over the years and the intelligence structure generally was effective. Mr. Kilday pointed out that in connection with certain alleged failures, the Director does not deny or confirm although he was in a position to say in certain cases the alleged failures were not failures and in fact the Agency did have the information. He also said that he felt his Subcommittee was doing an effective job in supervising CIA.

12. Mr. Leslie C. Arends (R., Ill.) said he had been asked by the Chairman of the full Armed Services Committee to speak in opposition to the Joint Committee bills and that he would only endorse completely everything Mr. Kilday had said earlier.

13. Mr. Edgar W. Hiestand (R., Calif.) said that while he endorsed Mrs. Kelly's thought that there should be some oversight by a Joint Committee he thought such a committee could do more. He understood there were problems in coordination in the intelligence field and he felt the Joint Committee could help the intelligence components in coordinating and furthermore could go to bat for the intelligence services when they needed help.

14. Mr. James E. VanZandt (R., Pa.) appearing in opposition to the Joint Committee bills, said he had had 40 years of military experience and knows something about intelligence and its importance. He had participated in the passage of the CIA Act of 1949. He pointed out that traditionally the British intelligence had been regarded as the best in existence, but as it developed experience CIA had improved so that it was now rated the best

in the world. He pointed out that not only was it supervised by the Armed Services Subcommittees but that its appropriations were carefully reviewed by the Appropriations Committees so that in effect there are two watchdog committees today. Mr. Van Zandt added that CIA was constantly before the Joint Committee on Atomic Energy furnishing the data that this Committee needed for its deliberations. He also added that the CIA Subcommittee spends many hours analyzing the various data which were presented to it by the Agency. He stressed the principle of the need to know and said this should be followed in the Congress as well as in the Executive Branch. He was asked if he thought the intelligence services were efficient, and he repeated that he thought they were now the best in the world.

15. Mr. Frank C. Osmers, Jr. (R., N. J.) also appeared against the Joint Committee bills and emphasized the fact that the Executive Branch had the constitutional responsibility for foreign intelligence. He said that so far as gathering intelligence was concerned, he did not think that a Joint Committee would in any way improve gathering and that in the field of evaluation this was the sole responsibility of the Executive. He mentioned that while there had been some mention of mistakes such as Yalta, Potsdam, and Suez, the only people who could testify as to whether there had been intelligence failures would be the Presidents concerned, as only they would know what other considerations besides intelligence went into the decisions they made. He emphasized the natural tendency of politicians to talk about confidential matters and, therefore, in his opinion a new body should not be added in the sensitive field of intelligence. Mr. B. F. Sisk (D., Calif.) asked if the present Subcommittee should not inform the Congress of what it does and take the responsibility which the proposals under consideration would put on a Joint Committee. He said no, and he felt a great number of congressmen, had not even known of the existence of the CIA Subcommittee and while he was very glad to hear about it he felt that maybe the Congress should know more about what it did. Mr. Osmers said the Subcommittee had debated this point seriously. He noted that Mr. Dulles never commented or answered criticisms or charges of mistakes in intelligence nor did he respond to favorable comment. The Subcommittee members felt that if they were to report on their reviews in intelligence matters they would only reveal to the opposition areas for further attempts at penetration. Mr. Sisk said he felt that if the Rules Committee hearings did nothing else they were profitable in that they had brought out the jurisdiction of the Armed Services Subcommittees.

16. Mr. James G. Fulton (R., Pa.) appeared as a witness in favor of the Joint Committee proposals, saying he had for a long time been deeply concerned about intelligence failures, particularly Pearl Harbor and Korea. He said he had sat on a committee which was told 30 hours before the North Korean invasion that everything in Korea was all right and that subsequently he had asked for Admiral Hillenkoetter's resignation. He further inferred that Admiral Hillenkoetter had resigned as a result of this. He said he felt the present set up of CIA was fine but he was concerned because in his naval reserve activities he had been given four separate official figures of the number of Russian missiles and he wondered if this indicated good coordination.

17. At least five times when the question was asked one witness or another as to whether under the Joint Committee proposals the jurisdiction would apply to the FBI, Mr. Kelly stated that it would. Since Mr. Nicotand's bill referred specifically to a Joint Committee on Central Intelligence Agency, he was queried whether this would include the FBI. He said it would not although they do pick up some foreign intelligence and, therefore, they might be involved in some liaison capacity. However, he agreed that it would be damaging to the national security if the FBI were to be fully included in his bill.

S/ Lawrence R. Houston

LAWRENCE R. HOUSTON
General Counsel

Attachment

OGC:LRH:jeb

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